

EXHIBIT JJ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS CLAY, SR.,

Plaintiff,

v.

TRACY REEVES, et al.,

Defendants.

)
)
)
) Civil Action No. 05-125E
) Judge Sean J. McLaughlin
) Mag. Judge Susan Paradise Baxter
)
)
)

DECLARATION OF CHRISTINA KENNEDY

I, Christina Kennedy, verify that the foregoing information is true and correct to the best of my personal knowledge or information and belief.


1. I am presently employed by the Commonwealth of Pennsylvania, Department of Corrections at SCI-Forest as Assistant to the Superintendent.

2. Inmate Clay was housed at SCI-Forest from approximately November 2004 through August 2007. I have reviewed his grievance history. Although he filed numerous grievances while at SCI-Forest, there is no record of any grievance claiming retaliation, and certainly none related to a claim of retaliation for an incident or grievance filed at SCI-Greensburg.

3. He did file a grievance on August 16, 2006 (#161081) concerning tampering with mail by unnamed staff at SCI-Forest. (See Attachment 1.) He claimed that he had sent a letter to the Court which was not received and that "about three (3) letters/correspondence have not made it to me in the last few weeks." He also stated that there are other inmates who believe their mail is being tampered with or missing. It was noted that the cash slip Clay submitted as evidence of the mail he had sent to the court

was dated several days after he received the court notice about not receiving his document.

This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to sworn falsification to authorities, which provides that if I make knowingly false statements, I may be subjected to criminal penalties.


Christina Kennedy

Date: 1/11/08

Inmate Grievance Tracking

File Edit Insert Records Window Help Adobe PDF

Inmate Grievance Search

Inmate Number: DQ5954 CASSIUS CLAY

Grievance Number: 182322 Institution: PIT

Total Grievances: 20 Building: B3

Available Grievances:

#	Description	Received	Disposition	Complete Dt	Appeal	Final Rvw	Reject	Resubmit Dt	Initial	Appeal	Fr
12720	Account	8/27/2005	Grievance Resolved	9/1/2005	9/9/2005	9/26/2005					
117565	Conditions	5/13/2005					Yes				
105017	Library	2/9/2005	Grievance Resolved	2/16/2005							
105821	Library	1/2/2005	Grievance Resolved	1/7/2005							
104106	Property	12/10/2004	Grievance Resolved	12/15/2004	12/22/2004	1/10/2005					
102890	Transfer	12/1/2004					Yes				
102887	Property	12/1/2004				1/10/2005	Yes				

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Inmate Grievance Tracking

File Edit Insert Records Window Help Adobe PDF

Inmate Grievance Search

Inmate Number: DQ5954 CASSIUS CLAY

Grievance Number: 182322 Institution: PIT

Total Grievances: 20 Building: B3

Available Grievances:

#	Description	Received	Disposition	Complete Dt	Appeal	Final Rvw	Reject	Resubmit Dt	Initial	Appeal	Fr
151756	Property	5/11/2006	Grievance Denied	5/18/2006	7/11/2006	7/19/2006					
150295	Food	4/26/2006	Grievance Denied	5/5/2006	5/17/2006						
143043	Commissary	4/20/2006	Grievance Denied	5/5/2006	5/17/2006	6/5/2006					
143587	Due Process	2/9/2006	Grievance Denied	2/13/2006							
135517	Library	11/15/2005	Grievance Denied	11/29/2005	12/13/2005						
129669	Yard	9/14/2005							Yes		
12720	Account	8/27/2005	Grievance Resolved	9/1/2005	9/9/2005	9/26/2005					
117565	Conditions	5/13/2005					Yes				

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Inmate Grievance Tracking

File Edit Insert Records Window Help Adobe PDF

Inmate Grievance Search

Inmate Number: DQ5954 CASSIUS CLAY

Grievance Number: 182322 Institution: PIT

Total Grievances: 20 Building: B3

Available Grievances:

#	Description	Received	Disposition	Complete Dt	Appeal	Final Rvw	Reject	Resubmit Dt	Initial	Appeal	Final
182322	Problems w/Staff	2/20/2007					Yes				
164873	Due Process	9/26/2006	Grievance Denied	10/11/2006	10/17/2006	10/30/2006					
163841	Phone	9/15/2006	Grievance Denied	9/29/2006	10/18/2006	11/8/2006					
161081	Mail	9/16/2006	Grievance Denied	9/22/2006	9/1/2006	9/14/2006					
155219	Showers	6/15/2006	Grievance Denied	6/29/2006	7/17/2006	7/31/2006					
152973	Property	5/23/2006				7/19/2006	Yes				
150446	Harassment	5/18/2006	Grievance Denied	6/7/2006	6/20/2006	7/27/2006					
151756	Property	5/11/2006	Grievance Denied	5/18/2006	7/11/2006	7/19/2006					

[New Grievance](#)
[Initial Resolution](#)
[Witness /Involved](#)

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[Central Office Final Review](#)
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DC-804
 Part 1

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF CORRECTIONS
 P.O. BOX 598
 CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY
161081
 GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR MRS. KENNEDY	FACILITY: FOREST	DATE: 8/11/06
FROM: (INMATE NAME & NUMBER) CASSIUS M. CLAY SR. DQ5954	SIGNATURE of INMATE: <i>Cassius M. Clay Sr.</i>	
WORK ASSIGNMENT: LEGAL AIDE	HOUSING ASSIGNMENT: EB-2063	
<p>INSTRUCTIONS:</p> <ol style="list-style-type: none"> 1. Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted. 		
<p>A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.</p> <p>ON AUGUST 3, 2006, I PLACED TWO (2) LETTERS IN THE PRISON MAIL BOX ON THE UNIT, WHICH WERE RELATED TO ONGOING CIVIL LITIGATION, IN THE FEDERAL COURT SYSTEM.</p> <p>THE CHIEF MAGISTRATE JUDGE ON AUGUST 10, 2006, MADE AN ORDER THAT I RECEIVED TODAY, STATING THAT SHE DID NOT RECEIVE THIS LETTER? ALSO, TAMPERING WITH THE MAIL IS A U.S. FEDERAL OFFENSE.</p> <p>I WOULD LIKE TO KNOW WHAT HAPPENED TO THIS MAIL, AND THE OTHER PIECES OF MAIL THAT I HAVE NOT RECEIVED FROM PEOPLE ON THE OUTSIDE, AS ABOUT THREE (3) LETTERS/CORRESPONDENCE HAVE NOT MADE IT TO ME IN THE LAST FEW WEEKS. THERE ARE ALSO OTHER INMATES WHO BELIEVE THERE MAIL IS BEING TAMPERED WITH OR MISSING, THIS SHOULD BE LOOKED INTO.</p>		
<p>B. List actions taken and staff you have contacted, before submitting this grievance.</p> <ol style="list-style-type: none"> 1. Spoke with morning Block officer, said all mail was taken out. 2. Spoke with Lt. said they could do nothing about mail, write a Grievance. 		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

C. White

Signature of Facility Grievance Coordinator

8/16/06

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised
 December 2000

SCI FOREST

Fax: 814-527-8143

Jan 11 2006 18:41

DC-138A

**CASH
SLIP**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**1. REQUISITIONING INMATE**DOC NUMBER
DQ5954NAME (PRINT)
CASSIUS M. CLAYLOCATION
EB-2063DATE
8/13/06**2. ITEMS TO BE CHARGED TO MY ACCOUNT**PLEASE DEDUCT THE AMOUNT FOR CERTIFICATE
OF MAILING OF EXHIBITS TO:SUSAN PARADISE BAXTER
Chief Mag., Judge
U.S. DISTRICT COURT
WESTERN DISTRICT, PA
17 South Park Row, A28
Erie, PA 16501

Inmate ID Verified

DQ5954 **CLAY**Housing Unit CO's Signature
Date**8-13-06***J. Colman*

THANK YOU

3. INMATE'S SIGNATURE

Cassius M. Clay

4. OFFICIAL APPROVAL

5. BUSINESS OFFICE'S SPACE

CHARGE ENTERED

24**AUG 15 2006****RY**

SCI-FOREST

Fax: 814-927-8143

Jan 11 2008 13:46

P.05

DC-ADM 804, Inmate Grievance System
DC-804
Part 2

Attachment B

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598**

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

CAMP HILL, PA 17001

GRIEVANCE NO. 161081

TO: (Inmate Name & DC No.) Cassius Clay DQ5954		FACILITY SCI-FOREST	HOUSING LOCATION EB2063	GRIEVANCE DATE 08-11-06
<p>The following is a summary of my findings regarding your grievance:</p> <p>Incoming/outgoing mail is processed by the SCI-Forest mailroom on a daily basis. Likewise no mail can be tracked unless a special service is requested by you or the sender such as certified or registered. If the mail was received, it was processed.</p> <p>This grievance is denied.</p>				
<p>cc: DC-15 (Inmate Records) Inmate (Original Response)</p>				
Print Name and Title of Grievance Officer M. P. Toski		SIGNATURE OF GRIEVANCE OFFICER <i>M P Toski</i>		DATE 22 Aug 06

SCI FOREST

Fax: 814-327-8143

Jan 11 2008 15:48

15:48

Page 9 of 11

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

APPEAL OF
#161081
OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR MRS. KENNEDY / WARDEN (SOBINA)	FACILITY: S.C.I. FOREST	DATE: 8/25 RECEIVED
FROM: (INMATE NAME & NUMBER) CASSIUS M. CLAY SR., DQ5954	SIGNATURE of INMATE:	
WORK ASSIGNMENT: LEGAL AIDE	HOUSING ASSIGNMENT: EB-2063	SEP 1 2000
INSTRUCTIONS: 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system. 2. State your grievance in Block A in a brief and understandable manner. 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.		
A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages. THE DC-ADM 803 POLICY IV. (N.) PRIVILEGED CORRESPONDENCE STATES IN RELEVANT PART; 1. OUTGOING MAIL ADDRESSED TO THE FOLLOWING PERSONS IS PRIVILEGED CORRESPONDENCE AND SHALL NOT BE OPENED OUTSIDE THE PRESENCE OF THE INMATE WHO IS SENDING IT EXCEPT AS PROVIDED FOR IN SECTION VI.D.2. SEE EXCEPTIONS. WHICH I WAS NOT ALERTED TO ANY OF THE LISTED EXCEPTIONS, VI.E. 9, STATE THE INMATE SHALL BE NOTIFIED WHEN OUTGOING MAIL IS BEING WITHHELD. THIS IS NOT THE FIRST LETTER THAT WAS NOT RECEIVED AT THE CORRESPONDING ADDRESS, AND AS SUCH, THE MAIL EXPECIALLY COURT(LEGAL MAIL) SHOULD BE LOGGED IN THE BOOK, AND SIGNED FOR, BUT WHEN THE OUTGOING MAIL IS NOT SENT TO THE PERSON(S) OR PLACE WHERE IT IS SUPPOSED TO GO, IT CAN BE TRACKED. (AND SHOULD BE BY THIS FACILITY, AS IT IS THERE FAULT, OR THE MAIL ROOM'S FAULT) I WAS ALSO GIVEN BACK A COPY OF MY SECOND LETTER'S CASH SLIP, AND AS OTHER INMATES HAVE STATED, THE AMOUNT FOR THE CERTIFICATE OF MAILING WAS NOT TAKEN OUT, AS THIS IS A SPECIAL SERVICE TO INSURE THAT IT DOES REACH THE CORRECT PLACE, AND WAS NOT DONE HERE, (THIS IS ONE EXAMPLE) ANOTHER IS THAT PEOPLE DO NOT GET THERE CERTIFICATE OF MAILING BACK WHEN IT IS DEDUCTED FROM THE ACCOUNT. THESE ARE VIOLATIONS OF YOUR OWN POLICY, AND THE POSTAL SERVICE MANDATES WHICH AGAIN CONSTITUTES TAMPERING WITH THE MAIL. I WOULD LIKE FOR THIS SITUATION TO BE LOOKED INTO FURTHER, AS THE LEGAL MAIL IS IMPORTANT!		
B. List actions taken and staff you have contacted, before submitting this grievance.		

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

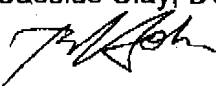
WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised
December 2000

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI Forest
(814) 621-2110
September 1, 2006

SUBJECT: APPEAL GRIEVANCE #161081

TO: Cassius Clay, DQ 5954


FROM: Raymond J. Sobina
Superintendent
SCI - Forest

Mr. Clay submits an appeal to the Superintendent's level on Grievance #161081 in accordance with DC Administrative Directive 804.

In his appeal, Mr. Clay takes issue with the response of the Grievance Officer. He quotes DC Administrative Directive 803 policy and feels that mail should be tracked by this facility. He goes on to state that often times "people" do not get their certificate of mailings when the appropriate deductions are made from their institutional account. In his opinion, this was not the first letter that was not received at the corresponding address.

The Superintendent has reviewed the instant grievance based on the Inmate's points of appeal and corresponding discussion. The Superintendent notes that the Department of Corrections has no responsibility whatsoever once mail is turned over to the U.S. Postal Service. Incoming and outgoing mail is processed by the SCI Forest on a daily basis. No inmate mail is tracked unless this service is requested and paid for through the United States Postal Service certified or registered mail procedure. The action of the Grievance Officer is hereby sustained.

RJS/blb

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

RECEIVED

OCT 20 2006

SCI Forest
Superintendent's OfficeTHE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

October 17, 2006

Cassius Clay, DQ-5954
SCI ForestRe: DC-ADM 804 - Final Review
Grievance No. 161081

Dear Mr. Clay:

This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. There is no evidence to support your claim that the SCI-Forest Mailroom is tampering with your legal mail. The cash slip you submit for evidence is dated several days past your notice from the courts of not receiving your documents. SCI-Forest, like all State institutions, processes incoming and outgoing mail on a daily basis. Once this mail is delivered to the U.S. Postal Service, the institution is no longer responsible for its delivery. You should have certified the letters in question like the one you mailed on August 13, 2006.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,


Sharon M. Burks
Chief Grievance Officer

SMB/bw

cc: ~~Supt. Gehring~~
DC-15Grievance Office
Central File